

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Ronnie Colclough, #2672,

Plaintiff,

VS.

Anthony Dennis, Sheriff and
B. Barfield, Sheriff's Deputy,

Defendant.

Civil Action No. 6:07-3548-HMH-WMC

REPORT OF MAGISTRATE JUDGE

This matter is before the court on the plaintiff's motion for summary judgment (doc. 20). The plaintiff seeks relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983.

The plaintiff raises claims related to his arrest on May 23, 2007. He claims he was improperly arrested by Investigator Barfield. He also claims Sheriff Dennis promised he would not be arrested if he cooperated with the investigation, and the Sheriff “breached his promise” by allowing him to be arrested. The plaintiff claims that the actions of these defendants violated his Fourth, Fifth, and Fourteenth Amendment rights.

On January 16, 2008, the plaintiff filed a motion for summary judgment. In his motion, he complains that the defendants have been served but have not filed their answer to the complaint. However, the docket shows that defendants Dennis and Barfield were served on March 11, 2008 (docs. 28, 29), two months after the plaintiff filed his motion. The defendants' answer was timely filed on March 31, 2008. The plaintiff has failed to show that there is no genuine issue as to any material fact and that he is entitled to judgment as a matter of law. Accordingly, his motion for summary judgment (doc. 20) should be denied.

June 23, 2008
Greenville, South Carolina

s/William M. Catoe
United States Magistrate Judge